

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
Donald F. Campbell, Jr., Esq. (DC8924) Giordano, Halleran & Ciesla, P.C. 125 Half Mile Road, Suite 300 Red Bank, New Jersey 07701 Tel: (732) 741 3900 Fax: (732) 224 6599 dcampbell@ghclaw.com Attorneys for Creditor, Carla Cox Smith	
In Re:	Case No: 23-13359(VFP)
Bed Bath & Beyond, Inc.	Chapter: 11 (Jointly Administered)
Debtor.	Hearing Date: February 7, 2024 at 10:00 a.m.
	Judge: The Honorable Vincent F. Papalia, U.S.B.J.

**CERTIFICATION OF CARLA COX SMITH IN SUPPORT OF MOTION OR AN
ORDER ALLOWING LATE FILED CLAIM TO BE TREATED AS TIMELY FILED
AND FOR RELIEF FROM SEPTEMBER 14, 2023 INJUNCTION FOR PURSUING
CLAIM AGAINST DEBTOR**

I, Carla Cox Smith, am a creditor in the above-captioned bankruptcy proceeding. In support of this Motion, I certify the following:

State Court Proceeding

1. There is ongoing litigation in the Circuit Court of St. Clair County, State of Illinois, 23LA0921 (the “*State Court Action*”) wherein I am the plaintiff.
2. The State Court Action consists of a personal injury claim against Debtor-Defendant Bed Bath & Beyond, Inc. (the “*Debtor*” or “*Bed Bath & Beyond*”).
3. The Complaint (the “*Complaint*”) against Bed Bath & Beyond, Inc. on August 11, 2023.


See **Exhibit B.**

4. The claim arises from an incident occurring on May 12, 2022 (the “*Incident*”), in which I was a business invitee of BED BATH & BEYOND at its Fairview Heights IL location. While walking in the shopping isle of BED BATH & BEYOND, I was hit by an employee driving a stocking buggy. As a result, I sustained substantial and severe injuries requiring surgery.
5. I reported the incident to Bed Bath & Beyond in June of 2022.
6. On October 26, 2023, I was notified by my State Court attorney, Ben Sansone of Sansone & Lauber, that Defendant Bed Bath & Beyond, Inc, had filed a suggestion of bankruptcy and notice of injunction. See **Exhibit C.**

The Bankruptcy Proceeding

11. Bed Bath & Beyond filed a voluntary petition for bankruptcy under Chapter 11 of the Bankruptcy Code on April 23, 2023.
12. Bed Bath & Beyond did not include me as creditor in the bankruptcy filing nor identified the State Court Action in the statement of financial affairs.
13. I was never notified of the bankruptcy or the proof of claim bar date. I first received notice of the bankruptcy, when State Court Counsel notified me of the Debtor-Defendant’s Notice of Bankruptcy filed to the State Court docket on October 26, 2023. See **Exhibit C.**
14. On January 8, 2023, I filed a Proof of Claim related to the State Court Action. See **Exhibit E.**
15. Accordingly, I respectfully request this Court enter an order allowing the late filed claim to be treated as timely filed, and vacating the automatic stay to enable the State Court Action to proceed for the limited purpose of collecting against insurance proceeds.

I hereby certify that the foregoing statements made by me are true, and I acknowledge that if any
of the foregoing statements are willfully false, I may be subject to punishment.

By: 
Carla Cox Smith (Jan 12, 2024 12:29 CST)
CARLA COX SMITH

Dated: January 12, 2024